

SECOND REGULAR SESSION

SENATE BILL NO. 1532

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

6593S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 452.335 and 452.370, RSMo, and to enact in lieu thereof two new sections relating to support orders.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 452.335 and 452.370, RSMo, are 2 repealed and two new sections enacted in lieu thereof, to be 3 known as sections 452.335 and 452.370, to read as follows:

452.335. 1. In a proceeding for nonretroactive
2 invalidity, dissolution of marriage or legal separation, or
3 a proceeding for maintenance following dissolution of the
4 marriage by a court which lacked personal jurisdiction over
5 the absent spouse, the court may grant a maintenance order,
6 **which may be bridge, rehabilitative, or durational**, to
7 either spouse, but only if it finds that the spouse seeking
8 maintenance:

9 (1) Lacks sufficient property, including marital
10 property apportioned to him **or her**, to provide for his **or**
11 **her** reasonable needs; and

12 (2) Is unable to support himself **or herself** through
13 appropriate employment or is the custodian of a child, **or a**
14 **disabled or incapacitated adult dependent**, whose condition
15 or circumstances make it appropriate that the custodian not
16 be required to seek employment outside the home.

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 2. The general assembly hereby finds and declares that
18 every spouse has a continuing duty to become self-supporting
19 following the dissolution of a marriage, so long as
20 physically and mentally capable. Further, maintenance is
21 not intended as a substitute for gainful employment, an open-
22 ended obligation without limitation, or a guarantee of a
23 certain standard of living. The maintenance order shall be
24 in such amounts and for such periods of time as the court
25 deems just, and after considering all relevant factors,
26 including:

27 (1) The financial resources of the party seeking
28 maintenance, including marital property apportioned to him
29 **or her**, and his **or her** ability to meet his **or her** needs
30 independently, including the extent to which a provision for
31 support of a child, **or a disabled or incapacitated adult**
32 **dependent**, living with the party includes a sum for that
33 party as custodian;

34 (2) The time necessary to acquire sufficient education
35 or training to enable the party seeking maintenance to find
36 appropriate employment;

37 (3) The comparative earning capacity of each spouse
38 **and the efforts made by each spouse to take steps to become**
39 **self-supporting in accordance with this subsection;**

40 (4) The standard of living established during the
41 marriage **considered in light of this subsection;**

42 (5) The obligations and assets, including the marital
43 property apportioned to him **or her** and the separate property
44 of each party;

45 (6) The duration of the marriage;

46 (7) The age[,] and the physical and emotional
47 condition of [the spouse seeking maintenance] **each party**;

48 (8) The ability of the spouse from whom maintenance is
49 sought to meet his **or her** needs while meeting those of the
50 spouse seeking maintenance;

51 (9) The conduct of the parties during the marriage;

52 [and]

53 (10) The factors set forth in subsection 9 of this
54 section; and

55 (11) Any other relevant factors.

3. The maintenance order shall state if it is **bridge**, **rehabilitative**, or **durational** and whether the order is modifiable or nonmodifiable. **Bridge**, **rehabilitative**, and **durational maintenance orders shall not be combined**. The court **[may] shall** order maintenance which includes a termination date **in accordance with the provisions of this section**. Unless the maintenance order which includes a termination date is nonmodifiable, the court may order the maintenance decreased, increased, terminated, extended, or otherwise modified based upon a substantial and continuing change of circumstances which occurred prior to the termination date of the original order, **provided that no maintenance order shall be modified to extend its duration in excess of the limits established in this section, except as provided in subsection 10 of this section**.

71 4. For purposes of determining maintenance only, or a
72 modification thereto, a short-term marriage is a marriage
73 having a duration of three years but less than ten years; a
74 moderate-term marriage is a marriage having a duration of
75 ten years but less than twenty years; and a long-term
76 marriage is a marriage having a duration of twenty years or
77 more. The duration of a marriage is the period of time from
78 the first day of the marriage until the date of the filing

79 of a petition for dissolution of marriage or legal
80 separation.

81 5. Except as provided under subsection 10 of this
82 section, for marriages lasting:

83 (1) Three years but less than ten years, the duration
84 of maintenance shall not exceed fifty percent of the
85 marriage's length;

86 (2) Ten years but less than twenty years, the duration
87 of maintenance shall not exceed sixty percent of the
88 marriage's length; and

89 (3) Twenty or more years, the duration of maintenance
90 shall not exceed seventy-five percent of the marriage's
91 length.

92 Marriages lasting less than three years shall be ineligible
93 for maintenance.

94 6. Bridge maintenance may be awarded to assist a party
95 to a short-term marriage seeking maintenance with
96 legitimate, identifiable short-term needs. The length of
97 the maintenance shall not exceed two years. An award of
98 bridge maintenance shall terminate upon the death of either
99 party or upon the remarriage of the party receiving
100 maintenance. An award of bridge maintenance shall not be
101 modifiable in amount or duration.

102 7. (1) Rehabilitative maintenance may be awarded to
103 assist a party to a short-term or moderate-term marriage
104 seeking maintenance in establishing the capacity for self-
105 support through either:

106 (a) The redevelopment of previous skills or
107 credentials; or

108 (b) The acquisition of education, training, or work
109 experience necessary to develop appropriate employment
110 skills or credentials.

111 (2) The length of the rehabilitative maintenance shall
112 not exceed four years.

113 (3) An award of rehabilitative maintenance may be
114 modified or terminated based upon substantial and continuing
115 changed circumstances, as a result of the failure, or
116 insufficient efforts being made by the party receiving
117 rehabilitative maintenance, to establish the capacity for
118 self-support as provided in this subsection, or upon
119 completion of the rehabilitative efforts contemplated by
120 this subsection, if applicable, provided that the length of
121 the maintenance shall not be modified to exceed the limits
122 set forth in this subsection, except in accordance with
123 subsection 10 of this section.

124 8. Durational maintenance may be awarded to provide
125 for the needs and necessities of life as they were
126 established during a moderate-term or long-term marriage.
127 Durational maintenance may be awarded if such an award is
128 appropriate upon consideration of the factors set forth in
129 subsection 2 of this section.

130 9. In establishing the term of durational maintenance,
131 and for purposes of all maintenance modifications decided on
132 or after August 28, 2026, the court shall consider all
133 relevant factors, including, but not limited to:

134 (1) The retirement, or the prospect and ability of the
135 payer of maintenance to retire, from full-time employment or
136 reduce his or her employment status to part-time or accept
137 lower-paying employment as part of a plan to retire;
138 (2) The age of the party paying maintenance;

139 (3) The duration and amount of maintenance already
140 paid, and the efforts made by the party seeking maintenance
141 to become self-supporting;

142 (4) The likelihood that the lifestyle of both spouses
143 may reasonably decline following a dissolution of marriage
144 or legal separation and as the parties approach retirement
145 age; and

146 (5) The provisions of subsection 2 of this section.

147 10. Notwithstanding the limits set forth in
148 subsections 5 and 7 of this section to the contrary, a court
149 may award durational maintenance or modify rehabilitative or
150 durational maintenance in excess of the limits set forth in
151 this section if the court specifically finds, after
152 consideration of all relevant factors, including those set
153 forth in subsection 2 of this section, that:

154 (1) Such limits will result in a substantial and
155 continuing hardship for the party seeking, or currently
156 receiving, maintenance;

157 (2) The party seeking maintenance meets the criteria
158 in subdivisions (1) and (2) of subsection 1 of this section;

159 (3) The party seeking maintenance will be unable to
160 establish the capacity, despite having made reasonable and
161 continuing efforts to do so, for self-support within the
162 maintenance limits set forth in subsection 5 or 7 of this
163 section for the applicable marital duration at issue; and

164 (4) Extending the maintenance further under this
165 subsection is just and fair to both parties. In any case in
166 which the court orders a party sixty-seven years of age or
167 older to pay or continue to pay maintenance, the court shall
168 make written findings of fact and conclusions of law
169 evidencing exceptional circumstances to support its ruling.

170 If the court extends the duration of the maintenance under
171 this subsection, the court shall enter written findings of
172 fact and conclusions of law setting forth the grounds for
173 exceeding the limits set forth in this section in the order
174 establishing or modifying rehabilitative or durational
175 maintenance, specifically addressing subdivisions (1) to (4)
176 of this subsection. The court shall also incorporate as
177 part of any modifiable maintenance order entered under this
178 chapter a specific order that the party receiving
179 maintenance has an affirmative duty to make reasonable and
180 continuing efforts to establish the capacity for self-
181 support and to become self-supporting, and the failure to do
182 so may be relied upon by the court as grounds for a
183 modification or termination of maintenance in any future
184 proceeding unless the physical or mental condition of the
185 party seeking maintenance or the application of subsection
186 11 or 12 of this section makes the inclusion of such a
187 provision in the order unreasonable or inappropriate.

188 11. Nothing in this section shall be construed to
189 prohibit parties from reaching an agreement, submitted in
190 writing to the court, regarding the type or duration of
191 modifiable or nonmodifiable maintenance, regardless of
192 whether the duration of maintenance in such agreement
193 exceeds the limits described in this section.

194 12. For purposes of modification of prior orders
195 establishing maintenance, the standards set forth in this
196 section shall be applicable to all initial actions and
197 modifications decided on or after August 28, 2026.
198 Notwithstanding provisions to the contrary contained in this
199 section or section 452.370, either party to any maintenance
200 order entered prior to August 28, 2026, may file a
201 modification under section 452.370 seeking to classify

202 maintenance being paid under an existing maintenance order
203 as bridge, rehabilitative, or durational or to shorten or
204 lengthen the term of maintenance being paid under any such
205 order, provided that the time limits, public policy
206 statements, and other provisions of this section and section
207 452.370 shall control in all such actions initiated under
208 those sections, including, without limitation, the
209 durational limits on maintenance specified in this section.
210 The courts shall have the latitude to give credit for
211 maintenance paid under an existing order toward any modified
212 maintenance term entered as part of a modification order.
213 There shall be a presumption in favor of modifying existing
214 maintenance orders to bring such orders into conformity with
215 the provisions of this section and section 452.370,
216 including the public policy set forth in such sections.

452.370. 1. Except as otherwise provided in
2 subsection 6 of section 452.325, **and in accordance with the**
3 **provisions of section 452.335**, the provisions of any
4 judgment respecting maintenance or support may be modified
5 only upon a showing of [changed circumstances so]
6 substantial and continuing [as to make the terms
7 unreasonable] **changed circumstances**. In a proceeding for
8 modification of any child support or maintenance judgment,
9 the court, in determining whether or not [a] substantial
10 [change in] **and continuing changed circumstances [has] have**
11 occurred, shall consider all financial resources of both
12 parties, including the extent to which the reasonable
13 expenses of either party are, or should be, shared by a
14 spouse or other person with whom he or she cohabits, and the
15 earning capacity of a party who is not employed. If the
16 application of the child support guidelines and criteria set
17 forth in section 452.340 and applicable supreme court rules

18 to the financial circumstances of the parties would result
19 in a change of child support from the existing amount by
20 twenty percent or more, a *prima facie* showing has been made
21 of [a change of circumstances so] substantial and continuing
22 [as to make the present terms unreasonable] **changed**
23 **circumstances**, if the existing amount was based upon the
24 presumed amount pursuant to the child support guidelines.

25 2. When the party seeking modification has met the
26 burden of proof set forth in subsection 1 of this section,
27 the child support shall be determined in conformity with
28 criteria set forth in section 452.340 and applicable supreme
29 court rules.

30 3. Unless otherwise agreed in writing or expressly
31 provided in the judgment, the obligation to pay future
32 statutory maintenance is terminated upon the death of either
33 party or the remarriage of the party receiving maintenance.

34 4. Unless otherwise agreed in writing or expressly
35 provided in the judgment, provisions for the support of a
36 child are terminated by emancipation of the child. The
37 parent entitled to receive child support shall have the duty
38 to notify the parent obligated to pay support of the child's
39 emancipation and failing to do so, the parent entitled to
40 receive child support shall be liable to the parent
41 obligated to pay support for child support paid following
42 emancipation of a minor child, plus interest.

43 5. If a parent has made an assignment of support
44 rights to the family support division on behalf of the state
45 as a condition of eligibility for benefits pursuant to the
46 Temporary Assistance for Needy Families program and either
47 party initiates a motion to modify the support obligation by
48 reducing it, the state of Missouri shall be named as a party
49 to the proceeding. The state shall be served with a copy of

50 the motion by sending it by certified mail to the director
51 of the family support division.

52 6. The court shall have continuing personal
53 jurisdiction over both the obligee and the obligor of a
54 court order for child support or maintenance for the purpose
55 of modifying such order. Both obligee and obligor shall
56 notify, in writing, the clerk of the court in which the
57 support or maintenance order was entered of any change of
58 mailing address. If personal service of the motion cannot
59 be had in this state, the motion to modify and notice of
60 hearing shall be served outside the state as provided by
61 supreme court rule 54.14. The order may be modified only as
62 to support or maintenance installments which accrued
63 subsequent to the date of personal service. For the purpose
64 of 42 U.S.C. Section 666(a)(9)(C), the circuit clerk shall
65 be considered the appropriate agent to receive notice of the
66 motion to modify for the obligee or the obligor, but only in
67 those instances in which personal service could not be had
68 in this state.

69 7. If a responsive pleading raising the issues of
70 custody or visitation is filed in response to a motion to
71 modify child support filed at the request of the family
72 support division by a prosecuting attorney or circuit
73 attorney or an attorney under contract with the division,
74 such responsive pleading shall be severed upon request.

75 8. Notwithstanding any provision of this section which
76 requires a showing of substantial and continuing [change in]
77 **changed** circumstances, in a IV-D case filed pursuant to this
78 section by the family support division as provided in
79 section 454.400, the court shall modify a support order in
80 accordance with the guidelines and criteria set forth in
81 supreme court rule 88.01 and any regulations thereunder if

82 the amount in the current order differs from the amount
83 which would be ordered in accordance with such guidelines or
84 regulations.

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